

**IN THE MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

COMPLETE TITLE OF CASE

STATE OF MISSOURI,

Appellant,

v.

BRENT D. PFLEIDERER,

Respondent.

DOCKET NUMBER WD73407

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

DATE: June 14, 2011

APPEAL FROM

The Circuit Court of Buchanan County, Missouri
The Honorable Daniel F. Kellogg, Judge

JUDGES

Division IV: Hardwick, C.J., Mitchell, J., and Norris, Sp.J.

CONCURRING.

ATTORNEYS

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MISSOURI APPELLATE COURT OPINION SUMMARY MISSOURI COURT OF APPEALS, WESTERN DISTRICT

STATE OF MISSOURI,)
)
Appellant,)
v.) **OPINION FILED:**
) **June 14, 2011**
BRENT D. PFLEIDERER,)
)
Respondent.)

WD73407

Buchanan County

Before Division Four Lisa White Hardwick, Chief Judge, Presiding, and
Judges: Karen King Mitchell, Judge, and Donald T. Norris, Special Judge

The State of Missouri appeals the Circuit Court of Buchanan County's suppression of the blood specimen and resulting blood alcohol analysis conducted by hospital staff for the purposes of diagnosing and treating Brent D. Pfleiderer following a single-vehicle accident in which he was involved while operating a motorcycle. Pfleiderer's motion to suppress was granted because hospital staff's collecting and testing of Pfleiderer's blood, which was not done at the request of law enforcement, was not conducted in accordance with Chapter 577 RSMo (2000). We dismiss the State's appeal.

APPEAL DISMISSED.

DIVISION FOUR HOLDS:

For the reasons stated in *State v. Burns*, No. WD 73127, 2011 WL 1363982 (Mo. App. W.D. April 12, 2011), we deem the circuit court's "suppression" of blood evidence an *exclusion* of the evidence based upon its application of a rule of evidence. Therefore, under section 547.200.1(3), the State is afforded no right to seek an interlocutory appeal from the trial court's order, and we must dismiss the appeal.

OPINION BY: Karen King Mitchell, Judge

June 14, 2011

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